

Mar 27, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 2:10-CR-06070-EFS-1

Plaintiff,

v.

**ORDER GRANTING EARLY
TERMINATION OF SUPERVISED
RELEASE**

KENYON NEAL LYLE JR.,
Defendant.

Before the Court is Defendant Kenyon Neal Lyle, Jr.'s Motion for Early Termination of Supervision, ECF No. 232. Mr. Lyle moves for early termination of his supervised release based on his compliance with release conditions and his accomplishments in prison and since his release. *Id.* For the reasons articulated below, Mr. Lyle's Motion is granted.

I. **BACKGROUND**

On August 10, 2012, Mr. Lyle pleaded guilty to seven counts of Obtaining a Controlled Substance by Fraud in violation of 21 U.S.C. § 843(a)(3) and two counts of Tampering with Consumer Products, in violation of 18 U.S.C. § 1356(a). ECF No. 151. On November 28, 2012, the Court Sentenced Mr. Lyle to 24 months imprisonment to be followed by one year of supervised release for the controlled

1 substance charges and 48 months' imprisonment to be followed by three years of
2 supervised release for the tampering with consumer products charges; the sentences
3 were to be served concurrently. ECF Nos. 199 & 211. On July 8, 2016, Mr. Lyle was
4 released from the Bureau of Prisons and began supervised release. His term of
5 supervised release is therefore set to end on July 7, 2019.

6 **II. APPLICABLE LAW**

7 After the expiration of one year of supervised release, the Court may
8 terminate a term of supervised release. 18 U.S.C. § 3583(e)(1).¹ The Court should
9 examine the factors set forth in 18 U.S.C. § 3553(a) to determine if release is
10 warranted by "the conduct of the defendant" and is in the "interest of justice." *Id.*
11 The Court enjoys great discretion to consider a wide range of circumstances when
12 determining whether to grant early termination. *United States v. Emmett*, 749 F.3d
13 817, 819 (9th Cir. 2014). Defendant bears the burden to demonstrate that
14 termination of supervised release is justified. *United States v. Weber*, 451 F.3d 552,
15 557 (9th Cir. 2006).

16 "Occasionally, changed circumstances—for instance, exceptionally good
17 behavior" will render a previously imposed term of condition "inappropriately
18 tailored to serve the general punishment goals of section 3553(a)." *United States v.*
19 *Miller*, 205 F.3d 1098, 1101 (9th Cir. 2000). The United States Sentencing Guidelines
20 "encourage . . . [courts] to exercise this authority in appropriate cases," particularly

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¹ A hearing is not required if the Government has received notice of the relief sought, has had reasonable opportunity to object, and has not done so. See Fed. Rule Crim. Pro. 32.1(c)(2)(C); see also 18 U.S.C. § 3583(e)(1).

1 noting that a court may impose a longer term of supervised release on a defendant
2 with an addiction, but may then terminate supervised release early when a
3 defendant “successfully completes a treatment program, thereby reducing the risk
4 to the public from further crimes of the defendant.” U.S.S.G. § 5D1.2, cmt. n. 5.

5 This is a circumstance where circumstances have changed. When Mr. Lyle
6 came before the Court in 2012, he had been struggling with years of an essentially
7 unchecked opiate addiction. ECF No. 171 at ¶ 102. His history of binge drinking and
8 alcohol abuse as a college student quickly turned into a more serious addiction when
9 he was prescribed Hydrocodone for tooth pain. *Id.* at ¶ 101–102. As a pharmacist, he
10 had easy access to prescription medications and tampered with medication boxes in
11 order to sustain his addiction. *Id.* at ¶ 9–24.

12 During pretrial supervision Mr. Lyle participated in substance abuse
13 treatment at First Step in Kennewick. ECF No. 171 at ¶ 105. He successfully
14 completed treatment and had no positive urine tests while on supervision. *Id.* He
15 recognized his addiction to this Court when he was sentenced and stated that he
16 would participate in substance abuse treatment. *Id.*

17 Mr. Lyle has now served over 30 months of supervised release without
18 incident. ECF No. 232. Since then, Mr. Lyle has completed the Residential Drug
19 Abuse Program (RDAP) at FPC-Lompoc. *Id.* He became a “Senior Guide” for RDAP
20 and ultimately became a mentor after completing the program. *Id.* Mr. Lyle was also
21 a GED teacher before his release. *Id.*

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1 Mr. Lyle was released to a half-way house where he has continued to be
2 involved in rehabilitation counseling. *Id.* He obtained his masters certificate in
3 Addiction Studies in June 2017 and started a local group in the Tri-Cities area for
4 professions (medical and legal) who struggle with addiction. *Id.* Mr. Lyle has a
5 support system, which includes his family, religious community, coworkers, and
6 employers. He has maintained employment with Washington River Protection
7 Solutions since December 2016. *Id.* Mr. Lyle recently welcomed a new baby. *Id.*

8 In light of this significant change in circumstances the Court believes that it
9 is no longer necessary to supervise Mr. Lyle to afford adequate deterrence, provide
10 just punishment, or protect the public from his further crimes. *See* 18 U.S.C.
11 § 3553(a), (e); 18 U.S.C. § 3583(e)(1).

12 **IT IS HEREBY ORDERED:**

13 1. Defendant's Second Motion for Termination of Supervision, **ECF No.**

14 **232, is GRANTED.**

15 2. Defendant's supervised release is **TERMINATED**, effective as of the
16 date of this order.

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IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to counsel, the U.S. Marshal's Service, and the U.S. Probation Office.

DATED this 26th day of March 2019.

s/Edward F. Shea

EDWARD F. SHEA
Senior United States District Judge